

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**SHERRY R. LEE**

and

**DAVID LEE**

Plaintiffs,

v.

**WERNER ENTERPRISES, INC.**

and

**HOT SHOT EXPEDITE, INC.**

and

**DORIN BRAGA**

Defendants.

Case No.:

Judge

**COMPLAINT WITH JURY DEMAND  
ENDORSED HEREON**

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*Attorneys for Plaintiffs*

Sherry Lee and David Lee file the following complaint.

**OVERVIEW**

On February 11, 2021, a Hot Shot Expedite, Inc. truck, hauling a Werner Enterprises, Inc. trailer, was driving behind Sherry Lee and rear ended her as she was slowing down to turn in Emerald Township, Paulding County, Ohio. As a result, Sherry Lee is paralyzed from the waist down and has been rendered paraplegic.

**PARTIES**

1. Plaintiff Sherry Lee is a domiciliary and citizen of the State of Ohio, residing in Defiance County.
2. Plaintiff David Lee is the husband of Sherry Lee and is a domiciliary and citizen of the State of Ohio, residing in Defiance County.
3. Defendant Werner Enterprises, Inc. ["Werner"] is a for-hire motor carrier operating commercial motor vehicles transportation property in interstate commerce. It is registered with the Federal Motor Carrier Safety Administration with a USDOT number of 53467 and is a business entity organized and existing under the laws of the State of Nebraska with its principal place of business in Omaha, Nebraska. Defendant Werner has designated John Alden, Alden Law, located at 1160 Dublin Road, Suite 400, Columbus, Ohio 43215 as its agent for the purposes of service of process of this complaint under 49 C.F.R. §366.
4. Defendant Hot Shot Expedite, Inc. is a for-hire motor carrier operating commercial motor vehicles transporting property in interstate commerce. It is registered with the Federal Motor Carrier Safety Administration with a USDOT number of 3145332 and is a business entity organized and existing under the laws of the State of Illinois with its principal place of business in Schaumburg, Illinois. Defendant Hot Shot Expedite, Inc. has designated Eric Berry located at 5025 Arlington Centre Blvd., Suite 55, Columbus, Ohio 43220 as its agent for the purposes of service of process of this complaint under 49 C.F.R. §366.
5. Defendant Dorin Braga resides at 8770 N. Cumberland Avenue, Niles, Illinois 60714

**JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this case under 28 U.S.C. § 1332 because the parties are of diverse citizenship and the amount in controversy exceeds \$75,000 exclusive of interest and costs.
7. Venue is properly conferred under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims (that is, the collision) occurred in in Emerald Township, Paulding County, Ohio, which is located in this judicial district. This Court has subject matter and personal jurisdiction over the Defendants.

**FIRST CAUSE OF ACTION**  
*Negligence of Defendant Dorin Braga*

8. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
9. On or about February 11, 2021, Defendant Dorin Braga was driving a commercial motor vehicle on U.S. 24 heading west in Emerald Township, Paulding County, Ohio.
10. At or about the same time, Sherry Lee was driving a vehicle directly in front of Defendant Dorin Braga on U.S. 24 heading west in Emerald Township, Paulding County, Ohio.
11. Sherry Lee was preparing to make a right turn onto County Road 143.
12. Defendant Dorin Braga failed to slow down and yield and rear-ended Sherry Lee.
13. Sherry Lee's vehicle continued off the north side of the roadway, striking a sign, then overturning and coming to rest on its right side.

14. Defendant Dorin Braga had a duty to drive his semi-tractor trailer in a safe and reasonable manner, to obey all traffic laws, to identify other vehicles on the road, including the one in which Sherry Lee was driving.
15. Defendant Dorin Braga had a duty to abide by Ohio traffic laws including, but not limited to, O.R.C. § 4511.20 (willful or wanton disregard of the safety or persons or property) and § 4511.202 (operation without being in reasonable control of vehicle).
16. On February 11, 2021, Defendant Dorin Braga failed in the above-mentioned duties and is therefore negligent.
17. Defendant Dorin Braga's negligence was the direct and proximate cause of Sherry Lee's injuries, including but not limited to:
  - i) Complete lesion of T-7 to T-10 spinal cord, resulting in complete loss of sensory and motor function below that level,
  - ii) multiple pelvic fractures,
  - iii) subdural hemorrhage,
  - iv) spleen laceration,
  - v) multiple rib fractures, and
  - vi) multiple vertebral fractures.
18. Defendant Dorin Braga's actions demonstrate a conscious disregard for the rights and safety of Sherry Lee and the rest of the motoring public, acting with reckless indifference to the consequences to others despite being aware of his conduct and knowing there was a great probability of causing substantial harm.

Accordingly, Plaintiffs demand punitive damages against Defendant Dorin Braga.



## **SECOND CAUSE OF ACTION**

*Negligence of Defendant Werner Enterprises, Inc.*

19. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
20. Upon information and belief, Defendant Werner owned the trailer involved in this crash.
21. Defendant Werner had a general duty to exercise reasonable care in all its actions and omissions.
22. Defendant Werner had a duty to act reasonably in hiring, instructing, training, supervising and retaining all drivers operating under its federal motor carrier

operating authority and other employees and agents, including Defendant Dorin Braga, and to promulgate and enforce policies, procedures, and rules to ensure that its drivers and vehicles were reasonably safe.

23. Defendant Werner had a duty to exercise reasonable care in entrusting its trailer to responsible, competent and qualified drivers.
24. Defendant Werner had a duty to exercise reasonable care in hiring or contracting with Defendant Hot Shot Expedite, Inc.
25. Defendant Werner failed in the above-mentioned duties and was therefore negligent.
26. Defendant Werner's negligence was the direct and proximate cause of the injuries of Sherry Lee, and the damages described in this Complaint.
27. Defendant Werner's actions demonstrate a conscious disregard for the rights and safety of Sherry Lee and the rest of the motoring public, acting with reckless indifference to the consequences to others despite being aware of its conduct and knowing there was a great probability of causing substantial harm. Accordingly, Plaintiffs demand punitive damages against Defendant Werner

### **THIRD CAUSE OF ACTION**

#### *Vicarious Liability of Defendant Werner Enterprises, Inc.*

28. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
29. At all relevant times, Defendant Dorin Braga was the employee, agent, servant, or independent contractor for Defendant Werner. Accordingly, Defendant

Werner is vicariously liable for the acts of Defendant Dorin Braga described in the causes of action above.

30. At all relevant times, Defendant Hot Shot Expedite was the agent of Defendant Werner. Accordingly, Defendant Werner is vicariously liable for the acts of Defendant Dorin Braga described in the causes of action above.



#### **FOURTH CAUSE OF ACTION**

##### *Vicarious Liability of Defendant Hot Shot Expedite, Inc.*

31. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
32. At all relevant times, Defendant Dorin Braga was the employee, agent, servant, or independent contractor for Defendant Hot Shot Expedite, Inc. Accordingly, Defendant Hot Shot Expedite, Inc. is vicariously liable for the acts of Defendant Dorin Braga described in the causes of action above.

33. Regardless of the employment or agency relationship, Defendant Hot Shot Expedite, Inc. is an interstate motor carrier and the registered owner of the USDOT number 3145332 displayed on the semi involved in this collision and is therefore responsible for the acts of the defendant driver.

**FIFTH CAUSE OF ACTION**

*Negligence of Defendant Hot Shot Expedite, Inc.*

34. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
35. Defendant Hot Shot Expedite, Inc. had a duty to act reasonably in hiring, instructing, training, supervising and retaining all drivers operating under its federal motor carrier operating authority and other employees and agents, including Defendant Dorin Braga, and to promulgate and enforce policies, procedures, and rules to ensure that its drivers and vehicles were reasonably safe. Defendant Hot Shot Expedite, Inc. had a duty to exercise reasonable care in all of its actions and omissions.
36. Defendant Hot Shot Expedite, Inc. had a duty to exercise reasonable care in entrusting its vehicles and equipment to responsible, competent and qualified drivers.
37. Defendant Hot Shot Expedite, Inc. failed in the above-mentioned duties and was therefore negligent.
38. Defendant Hot Shot Expedite, Inc.'s negligence was the direct and proximate cause of the injuries of Sherry Lee, and the damages described in this Complaint.



39. Defendant Hot Shot Expedite, Inc.'s actions demonstrate a conscious disregard for the rights and safety of Sherry Lee and the rest of the motoring public, acting with reckless indifference to the consequences to others despite being aware of its conduct and knowing there was a great probability of causing substantial harm. Accordingly, Plaintiffs demand punitive damages against Defendant Hot Shot Expedite, Inc.

**SIXTH CAUSE OF ACTION**

40. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
41. Plaintiff David Lee is the husband of Plaintiff Sherry Lee. As a result of injuries to his wife, Plaintiff David Lee has lost the services and consortium of his wife in the past and will suffer further loss of services and consortium in the future. Plaintiff David Lee has provided services to Plaintiff Sherry Lee.

**WHEREFORE**, Plaintiffs respectfully request judgment in their favor and against all Defendants, in an amount that is just and fair and in excess of seventy-five thousand dollars, exclusive of costs and interest, in addition to punitive damages, costs and other relief that this Honorable Court deems just under the circumstances.

Respectfully submitted,

/s/ Michael Jay Leizerman  
Michael Jay Leizerman  
Joshua M Leizerman  
Jennifer N. Brown  
*Attorneys for Plaintiff*

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury on all triable issues.

/s/ Michael Jay Leizerman

Michael Jay Leizerman

Joshua M Leizerman

Jennifer N. Brown

*Attorneys for Plaintiff*